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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,113	09/26/2003	Marcel Ramseier	3092/127	7764

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EXAMINER

SEVERSON, JEREMY R

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,113	<b>Applicant(s)</b> RAMSEIER ET AL.	
	<b>Examiner</b> Jeremy R. Severson	<b>Art Unit</b> 3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/26/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Switzerland on 30 September 2002. It is noted, however, that applicant has not filed a certified copy of the application as required by 35 U.S.C. 119(b).

### ***Claim Objections***

1. Claim 5 is objected to because of the following informalities: "in particular" doesn't make sense in the context of the claim. Appropriate correction is required.
2. Claim 9 is objected to because of the following informalities: "one of" in line 1 of the claim should be deleted. Also, line two should read "a conveying belt and a pressure-exerting belt". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 10 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Re claim 10, a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board

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of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 10 recites the broad recitation "a plane which is inclined in relation to the horizontal", and the claim also recites "an essentially vertical plane." which is the narrower statement of the range/limitation.

6. Claim 17 recites the limitation "the guide surface" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Meier (US 4,550,822).

9. Re claims 1 and 2, Meier discloses everything claimed, including a conveying nip (between 19 and 14), and a positive stop (7), the spacing between the positive stop and

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conveying nip being selected such that the trailing edges of the products are still located in the conveying nip when the leading edges strike against the positive stop (sheet 12b in fig. 1).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier in view of Reist (US 4,320,894).

12. Re claim 3, Meier discloses the apparatus as claimed in claim 1. Meier lacks the explicit disclosure of a positive stop of two-part design, the first part being of stationary configuration and the second part being of moveable configuration. Reist teaches a positive stop of two-part design (44 and 37) in order to prevent any further movement of the printed product until entrainment by the next gripper (col. 7, lines 3-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a positive stop of two-part design to the apparatus of Meier, as taught by Reist, in order to prevent any further movement of the printed product until entrainment by the next gripper.

13. Re claim 4, Meier as modified by Reist discloses the apparatus as claimed in claim 3, wherein the moveable part (37) of the positive stop is formed by an element of a gripper taking part in the product-transfer process.

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14. Re claim 5, Meier as modified by Reist discloses the apparatus as claimed in claim 4, wherein the moveable part (37) of the positive stop is formed by an, in particular leading leg or a guide surface, connected to said leg, of a gripper taking part in the product-transfer process.

15. Re claim 6, Meier as modified by Reist discloses the apparatus as claimed in claim 5, wherein the guide surface, in the closed state of the gripper, is oriented at least essentially parallel to the product abutment-surface of the trailing gripper leg (see fig. 2 of Reist).

16. Re claim 7, Meier as modified by Reist discloses the apparatus as claimed in claim 6, wherein the gripper legs can be pivoted individually and/or together about a pivot pin moving in the conveying direction and are coupled, in particular, to a transporting chain or to individual carriages (see fig. 2 of Reist).

17. Re claim 9, Meier as modified by Reist discloses the apparatus as claimed in claim 1, wherein the feed section is designed as a conveying belt (Reist, 13), a pressure-exerting belt (Reist, 24) which can be driven at the speed of the conveying belt and runs, at least in part, parallel to the conveying belt being provided in that end region of the conveying belt which is directed toward the conveying arrangement, for the purpose of producing the conveying nip.

18. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier in view of Reist and Hansch (US 6,488,278).

19. Re claim 8, Meier as modified by Reist comprises the apparatus as claimed in claim 6. Meier and Reist lack the explicit disclosure of a dedicated control guide which

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controls the opening and closing movement of the respective gripper legs. Hansch teaches such a dedicated control guide (40, 40') in order to pivot the carrying arms (col. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a dedicated control guide to the apparatus of Meier as modified by Reist, as taught by Hansch, in order to pivot the carrying arms.

20. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier in view of Reist and Honegger (US 4,034,845) ("Honegger 1").

21. Re claim 10, Meier as modified by Reist comprises the apparatus as claimed in claim 9. Meier and Reist lack the explicit disclosure of a feed section that runs in an essentially vertical plane. Honegger 1 teaches such a feed section, in order to convey the printed products (col. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a vertical feed section to the apparatus of Meier as modified by Reist, as taught by Honegger 1, in order to convey the printed products.

22. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honegger (US 6,457,708) ("Honegger 2").

23. Re claims 11-13 and 18, Meier discloses a method of operating an apparatus as claimed in claim 1, in the case of which: the sheet like products, in that end region of the feed section which is directed toward the conveying arrangement, are transported through a conveying nip until they butt, by way of their leading edges, against the positive stop provided in the product-receiving region of the grippers (col. 6, lines 34-39); and the conveying movement through the conveying nip is continued and a closing

movement of the grippers is initiated (col. 5, lines 57-61). Meier lacks the disclosure of a step wherein the grippers are closed completely while the trailing edges of the products are still located in the conveying nip. Honegger 2 teaches the step of closing the grippers completely while the trailing edges of the products are still located in the conveying nip, in order to firmly clamp the printed products (col. 5, lines 24-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the step of closing the grippers completely while the trailing edges of the products are still located in the conveying nip, in order to firmly clamp the printed products, to the method of Meier, as taught by Honegger 2, in order to firmly clamp the printed products.

24. Re claim 14, Meier as modified by Honegger 2 discloses the method as claimed in claim 13, wherein the speed of the products in the conveying nip and the transporting speed of the grippers during the product-transfer process are co-ordinated with one another such that the products butting against the positive stop are buckled, or pass into a curved-out state, before the grippers are closed completely (Meier, col. 5, line 65 – col. 6, line 5).

25. Re claim 15, Meier as modified by Honegger 2 discloses the method as claimed in claim 14, wherein the speed of the products in the conveying nip and the transporting speed of the grippers during the product-transfer process are co-ordinated with one another such that the products which are gripped by closed grippers in their front region and have their rear region still located in the conveying nip are straightened out again without the products being subjected to destructive tensile loading (Honegger 2, col. 4).



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26. Re claim 16, Meier as modified by Honegger 2 discloses the method as claimed in claim 15, wherein the closing movement of the grippers is at least essentially completed while the leading edges of the products butt against the positive stop (Meier, fig. 1).

27. Re claim 17, Meier as modified by Honegger 2 discloses the method as claimed in claim 11, wherein the guide surface (belt 14 in Meier), at least over a time interval immediately preceding completion of the closing movement of the gripper legs, is oriented at least essentially parallel to the respectively trailing gripper leg (see fig. 1 of Meier).

### ***Conclusion***

Any prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Severson whose telephone number is (571) 272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached at 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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